
REGULAR MEETING OF THE CITY COUNCIL

NOVEMBER 4, 2009

CITY COUNCIL CHAMBERS

PRESENT: MIKE ROY, CITY MANAGER

COUNCILORS: CHARLES F. STUBBERT, JR., MARY-ANNE BEAL,
ROSEMARY WINSLOW, DANA SENNETT, CHAIR, JOHN
O'DONNELL, THOMAS LONGSTAFF AND CARL S
BASGALL

ABSENT: PAUL R LEPAGE, MAYOR

REGULAR MEETING

7:00 P.M.

APPROVAL OF CONSENT AGENDA

REGULAR MEETING CONSENT AGENDA NOVEMBER 4, 2009

MINUTES

PUBLIC HEARING
TIF DEVELOPMENT PROGRAM - GILMAN PLACE

APPROVAL OF OCTOBER 20, 2009

RESOLUTION NO 124---ROLL OF ACCOUNTS NO 21

RESOLUTION NO 125---RENEWAL OF A SPECIAL AMUSEMENT LICENSE
TO MIDNIGHT BLUES II, LLC D/B/A
"MIDNIGHT BLUES CLUB"

RESOLUTION NO 126---RENEWAL OF A SPECIAL AMUSEMENT LICENSE
TO CANCUN MEXICAN RESTAURANT

RESOLUTION NO 127---RENEWAL OF A SECOND HAND LICENSE TO
GAMESTOP INC D/B/A "GAMESTOP 3432"

RESOLUTION NO 128---RADIO COMMUNICATIONS INC D/B/A "COMMON
GROUNDS CAFÉ"

RESOLUTION NO 129---RENEWAL OF A PAWNBROKERS LICENSE TO AL
SHELL D/B/A "VAL SHELL'S PAWNSHOP"

Longstaff Moved to Adopt
Winslow Seconded the Motion
Vote: All in Favor (7-0)

UNFINISHED BUSINESS

ORDER 47-AN ORDER PROVIDING AUTHORIZATION OF GRANT ACCEPTANCE
2009 HOLIDAY ENFORCEMENT GRANT

BE IT ORDERED by the City Council of the
City of Waterville, acting as the municipal
officers as follows:

THAT, the City Council hereby authorizes
acceptance of the following grant award:

Three thousand seven hundred dollars
(\$3,700) for the 2009 Holiday Enforcement Grant
from the Bureau of Highway Safety

BE IT FURTHER ORDERED, THAT the above
monetary amount be appropriated to the designated
2009 Holiday Enforcement Revenue Line when
awarded.

Winslow Moved to Read by Title Only
Beal Seconded the Motion
Vote: All in Favor (7-0)
Order Read by Title Only
Winslow Moved to Accept
Beal Seconded the Motion
Vote: All in Favor: (7-0)
Winslow Moved to Hold Third and Final
Reading by Title Only
Beal Seconded the Motion
Vote: All In Favor (7-0)
Order Read by Title Only
Winslow Moved to Adopt

Longstaff Seconded the Motion

Roll Call Vote	Yes	No	Abstain
Charles F Stubbert Jr	1		
Mary-Anne Beal	2		
Rosemary A Winslow	3		
Dana Sennett	4		
John O'Donnell	5		
Thomas Longstaff	6		
Carl S Basgall	7		
Vote	(7-0)		

ORDER 48-- AN ORDER PROVIDING FOR AUTHORIZATION FOR SPECIAL MUNICIPAL ELECTION TO BE HELD ON DECEMBER 15, 2009, TO CONSIDER AMENDING THE REORGANIZATION PLAN AND THE INTERLOCAL AGREEMENT OF THE KENNEBEC VALLEY CONSOLIDATED SCHOOLS AOS

BE IT ORDERED by City Council of the City of Waterville acting as the municipal officers as follows:

THAT, the Question set forth below be placed on a ballot for a Special Referendum Election to be held on December 15, 2009:

"Do you favor approving amendments to the Reorganization Plan and the Interlocal Agreement of Kennebec Valley Consolidated Schools AOS, which have been approved by the Waterville Board of Education and the AOS School Board, and which have the effect of transferring special education and transportation responsibilities back to the municipal schools of the AOS, while continuing shared administration of those responsibilities by the AOS central office?"

Winslow Moved to Read by Title Only

Longstaff Seconded the Motion

Vote: All in Favor (7-0)

Order Read by Title Only

Winslow Moved to Accept

Longstaff Seconded the Motion

Vote: All in Favor: (7-0)

Longstaff Moved to Postpone Third

Reading of Order to later in the Meeting but before New Business

Winslow Seconded the Motion

Vote: All In Favor (7-0)

O'Donnell Moved to Hold Third and Final
 Reading by Title Only
 Winslow Seconded the Motion
 Vote: All in Favor (7-0)
 Order Read by Title Only
 Winslow Moved to Adopt
 Longstaff Seconded the Motion

Roll Call Vote	Yes	No	Abstain
Charles F Stubbert Jr	1		
Mary-Anne Beal	2		
Rosemary A Winslow	3		
Dana Sennett	4		
John O'Donnell	5		
Thomas Longstaff	6		
Carl S Basgall	7		
Vote	(7-0)		

ORDER 49-AN ORDER PROVIDING FOR AN ORDER ADOPTING THE
 PROPOSED AFFORDABLE HOUSING DEVELOPMENT PROGRAM
 FOR TAX INCREMENT FINANCING DISTRICT - GILMAN
 PLACE

BE IT HEREBY ORDERED by City Council of the
 City of Waterville acting as the municipal
 officers as follows:

WHEREAS, the City of Waterville (the City)
 is authorized pursuant to Chapter 206, Subchapter
 3 of Title 30-A of the Maine Revised Statutes, as
 amended, to designate specified areas within the
 City as Affordable Housing Development Districts
~~(the District)~~ and to adopt an affordable housing
 development program (the Development Program) ~~for~~
~~the District~~ such districts; and

WHEREAS, the City has held a public hearing
 on the question of establishing the District, in
 accordance with the requirements of 30-A M.R.S.A.
 Subsection 5250, upon at least ten (10) days
 prior notice published in the Central Maine
 Morning Sentinel, a newspaper of general
 circulation within the City, and the City,
 pursuant to Order no. 35-2009 adopted on July 21,
 2009, established the Gilman Place Affordable
 Housing Development District; (the District); and

WHEREAS, the City has held another public
 hearing concerning the adoption of an
affordablehousing development program for the
District entitled "Application - Affordable

Housing Tax Increment Financing" (the Development Program for the District), in accordance with the requirements of 30-A M.R.S.A. Subsections 5248 and 5250, upon at least ten (10) days prior notice published in the Central Maine Morning Sentinel, a newspaper of general circulation within the City; and

WHEREAS, it is expected that approval will be sought and obtained from the Maine State Housing Authority (the Authority) approving the designation of the District and the adoption of the Development Program for the District; and

WHEREAS, at least 25% of the property within the District is suitable for residential use, and in need of rehabilitation or redevelopment; and

WHEREAS, the City's TIF Advisory Committee has reviewed the proposed TIF District for Gilman Place and find it to be in conformance with the City's TIF Policy;

NOW THEREFORE, the City Council hereby finds and determines that:

1. ~~The designation of the District and pursuit of the Affordable Housing~~ Development Program will create affordable, livable housing within the City of Waterville, and therefore constitutes a good and valid public purpose.
2. Pursuant to Title 30-A Section 5248 (1) of the Maine Revised Statutes, as amended, the City Council hereby adopts the ~~Gilman Place Affordable Housing Development Program as more particularly described in the documents presented to the City Council in the form attached hereto.~~
3. Pursuant to the provisions of 30-A M.R.S.A., Subsection 5250-A, the percentage of captured increased assessed value to be retained as captured assessed value in the District shall be in accordance with ~~the Development Program is to be established and as set forth~~ in the Development Program.
4. The City Manager be and is hereby authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the Maine State Housing Authority for review and approval pursuant to the requirements of 30-A M.R.S.A. Chapter 206, subchapter 3.

5. The City Manager be and is hereby authorized and empowered at his discretion from time to time to make such revisions to the Development Program for the District as he deems reasonably necessary or convenient in order to facilitate the process of review and approval of the District by the Maine State Housing Authority, or for any other reason so long as such provisions are not inconsistent with these resolutions or the basic structure and intent of the Development Program.
6. The adoption of the Development Program shall automatically become final and shall take full force and effect upon receipt by the City Council of approval of the designation of the District and adoption of the Development Program by the Maine State Housing Authority, without requirements of further action by the City, the City Council or any other party.
7. The City Manager be and is hereby authorized to create the Development Program Fund, the Project Cost Account and the Gilman Project Cost Subaccount therein, as contemplated by the Development Program in the name of and on behalf of the City, such Account and subaccount to be in such form and to contain such terms and provisions, not inconsistent with the Development Program and this Order, and a percentage of the proceeds of the Project Cost Account, as specified in the Development Program, shall be deposited in the Gilman Project Cost Subaccount and used to defray operating expenses for eligible projects within the District, consistent with the Development Program. Said Development Program and Aceounts Account and Subaccount to be reviewed and approved by the City Solicitor or his designee.
8. The City Manager be and hereby is authorized and directed to enter into an Agreement for Development Assistance and Tax Increment Financing with respect to and as contemplated by the Development Program, in the name of and on behalf of the City, such agreement to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the City Manager may approve, the City Manager's approval to be conclusively evidenced by his execution thereof.

Winslow Moved to Read by Title Only
 O'Donnell Seconded the Motion
 Vote: All in Favor (7-0)
 Order Read by Title Only
 Winslow Moved to Accept
 Longstaff Seconded the Motion
 Vote: All in Favor: Stubbert,
 Winslow, Sennett, O'Donnell, Longstaff
 and Basgall
 Vote to Oppose: Beal
 Vote to Abstain: None
 Vote: (6-1-0)
 Longstaff Moved to Amend as Shown Above
 Winslow Seconded The Motion
 Vote on Order 49-2009 as Amended
 Vote in Favor: Stubbert, Winslow,
 Sennett, O'Donnell, Longstaff and
 Basgall
 Vote to Oppose: Beal
 Vote to Abstain: None
 Vote: (6-1-0)
 O'Donnell Moved to Hold Third and Final
 Reading
 Winslow Seconded the Motion
 Order Read in full
 O'Donnell Moved to Adopt
 Winslow Seconded the Motion

<u>Roll Call Vote</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Charles F Stubbert Jr	1		
Mary-Anne Beal		1	
Rosemary A Winslow	2		
Dana Sennett	3		
John O'Donnell	4		
Thomas Longstaff	5		
Carl S Basgall	6		
Vote (6-1-0)			

ORDER 50-AN ORDER PROVIDING FOR TRANSFER OF FUNDS TO CLOSE
 OUT PROJECTS

WHEREAS, there were a number of grants
 received by the Police Department over the past
 few years for Homeland Security Projects; and

WHEREAS, some of these Projects have
 residual negative balances; and

WHEREAS, these Projects should have no
 balances upon being closed; and

WHEREAS, these grants are now closed to further reimbursement requests for funds,

NOW THEREFORE BE IT HEREBY ORDERED that \$72,545.03 be transferred from the General Fund balance to close out the Projects in the Police Grant Fund (2700) related to the Homeland Security and Terrorism Grants for 2003 through 2006.

Sennett Moved to Read by Title Only
Winslow Seconded the Motion
Vote: All in Favor (6-0) Stubbert
Absent at Time of Vote
Order Read by Title Only
Sennett Moved to Accept
Winslow Seconded the Motion
Vote: All in Favor: (6-0) Stubbert
Absent at Time of Vote
O'Donnell Moved to Hold Third and Final
Reading by Title Only
Winslow Seconded the Motion
Vote: All In Favor (7-0)
Order Read by Title Only
Winslow Moved to Adopt
Longstaff Seconded the Motion

Roll Call Vote	Yes	No	Abstain
Charles F Stubbert Jr	1		
Mary-Anne Beal	2		
Rosemary A Winslow	3		
Dana Sennett	4		
John O'Donnell	5		
Thomas Longstaff	6		
Carl S Basgall	7		
Vote	(7-0)		

ORDINANCE 05-AN ORDINANCE PROVIDING FOR REPEAL OF ORDINANCE 13-1989 AND ACCEPTANCE OF ZONING ORDINANCE

BE IT ENACTED by the City council of the City of Waterville, acting as the municipal officers as follows:

THAT Ordinance 13-1989 be repealed.

AND THAT an ordinance titled, Zoning Ordinance, a copy of which is available on the City web page at www.waterville-me.gov, be

adopted and further that the City Solicitor be authorized to prepare, in summary form, a publication notice of said ordinance.

AMENDMENT: An amendment to delete Paragraph 5.7.4.d "Adult entertainment businesses including pornography, nudity, escort services, and massage parlors, but excluding massage therapists licensed by the State of Maine

Longstaff Moved to Read by Title Only

Winslow Seconded the Motion

Vote: All in Favor (7-0)

Longstaff Moved to Postpone to December the 15th

Beal Seconded the Motion

Vote: All in Favor (7-0)

NEW BUSINESS

RESOLUTION 130- A RESOLUTION PROVIDING FOR BE IT RESOLVED by the City Council of the City of Waterville as follows:

THAT the City be hereby authorized to award a bid for a Reconditioned Sidewalk Tractor W/Accessory Attachments to H. P. Fairfield Inc, Skowhegan, Maine in the amount of fifty three thousand, five hundred, seventy three dollars and zero cents (\$53,573.00).

Sennett Moved to Read by Title Only

Longstaff Seconded the Motion

Vote: All in Favor (7-0)

Winslow Moved to Adopt

Longstaff Seconded the Motion

Vote: All in Favor (7-0)

RESOLUTION 131- A RESOLUTION PROVIDING FOR ABATEMENT OF PERSONAL PROPERTY TAXES

BE IT RESOLVED by the City Council of the City of Waterville, acting as the Municipal Officers, as follows:

WHEREAS, it has been determined that the attached listing of personal property taxes has been determined to be uncollectible for various reasons;

NOW THEREFORE, BE IT RESOLVED THAT the City Council hereby abates all personal property taxes together with all outstanding interest and lien costs, as shown on the attached.

Resolution Read in Full
Longstaff Moved to Adopt
Winslow Seconded the Motion
Vote: All in Favor (7-0)

ORDER 51-AN ORDER PROVIDING FOR ACCEPTANCE AND
APPROPRIATION OF A DONATION FOR THE WATERVILLE
POLICE DEPARTMENT

BE IT ORDERED by the City Council hereby
authorizes acceptance of a three thousand dollar
(\$3,000) donation from Joan and Clarence
Bickford, Jr., to the Waterville Police
Department:

AND, further agrees to appropriate said sum
to the police department donation line.

Sennett Moved to Read by Title Only
Winslow Seconded the Motion
Vote: All in Favor (7-0)
Order Read by Title Only
Winslow Moved to Accept
Sennett Seconded the Motion
Vote: All in favor (7-0)

ORDER 52-AN ORDER PROVIDING FOR ACCEPTANCE AND
APPROPRIATION OF A DONATION FOR THE WATERVILLE
FIRE DEPARTMENT

BE IT ORDERED by the City Council of the
City of Waterville, acting as the municipal
officers as follows:

THAT, the City Council hereby authorizes
acceptance of a two thousand dollar (\$2,000) cash
donation from Joan and Clarence Bickford, Jr., to
the Waterville Fire Department;

AND, further agrees to appropriate said sum
to the Fire Department miscellaneous expense
line.

Sennett Moved to Read by Title Only
Longstaff Seconded the Motion
Vote: All in Favor (7-0)
Order Read by Title Only
Winslow Moved to Accept
Basgall Seconded the Motion

Vote: All in favor (7-0)

ORDINANCE 10-AN ORDINANCE PROVIDING FOR AMENDMENT TO ZONING,
ARTICLE 2, SECTION 2.1.1

BE IT ENACTED by the City Council of
the City of Waterville, acting as the
municipal officers as follows:

THAT the Zoning Ordinance, Article 2,
Section 2.1.1., the official zoning map
dated April 6, 1999, and the written
description of zoning boundaries dated July
6, 1971, be and hereby are amended as shown
on the attached.

That parcel, located at 775 Lincoln
Street and owned by Gregory Veilleux, is
found on the Property Map of the City of
Waterville (Map 41, Parcel 46) dated April
1, 1992, as updated on April 1, 2009.

Ordinance Read in Full
Winslow Moved to Accept
Sennett Seconded the Motion
Vote: All in Favor (7-0)

There being no further business the meeting was adjourned.

A True Copy Attest

City Clerk